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MEMO ENDORSED

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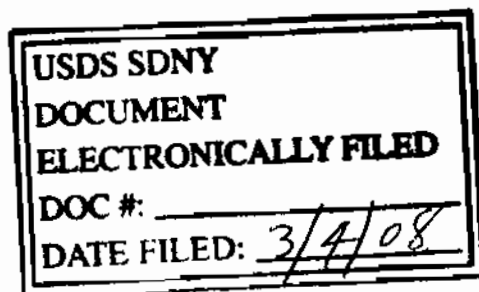
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February 29, 2008

VIA FEDERAL EXPRESS

Honorable Lewis A. Kaplan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Joseph Cunneen v. John Napoli
07-CV-6601

Dear Judge Kaplan:

I am the attorney for the plaintiff, Joseph Cunneen. I write to request an extension of time with respect to the dates set forth in the Consent Scheduling Order (the "Order") entered October 24, 2007 (copy enclosed). The parties have not made any prior requests for similar extensions. I have today discussed this request with Andrea Camacho, Esq., defendant's counsel, who consents to this application.

This is an action to recover for a civil battery. The Order required all discovery, including any depositions of experts, to be completed by February 22, 2008. Document discovery has been completed. Plaintiff engaged his physician expert witness in December 2007, and I have since been awaiting the report of that expert, which is well overdue. The physician's office informed me this week that the report was in the process of being transcribed, and that it should be delivered to me shortly.

Because of this unforeseen delay beyond plaintiff's control, depositions have not yet been taken. The parties therefore request that the Court modify the Consent Scheduling Order as follows:

1. The parties shall make required Rule 26(a)(2) disclosures with respect to
 - a. Expert witnesses on or before March 17, 2008;
 - b. Rebuttal expert witnesses on or before April 17, 2008.

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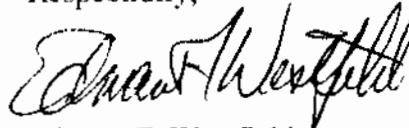
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2. All discovery, including any depositions of experts, shall be completed on or before May 30, 2008.
3. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before June 15, 2008.

Pursuant to Your Honor's individual practices, a proposed Amended Consent Scheduling Order, reflecting the requested extensions and signed by counsel, is enclosed.

The parties appreciate the Court's consideration of this request.

Respectfully,




Edward F. Westfield

Enclosures

cc: Andrea Camacho, Esq. (via e-mail)

*All unexpired dates
extended by 28 days.
No further extensions*
SC ORDERED


LEWIS A. KAPLAN, USDJ

3/2/08